



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR	:	
REVOCATION OF THE CERTIFICATE OF	:	ADMINISTRATIVE ACTION
	:	
	:	FINAL ORDER OF DISCIPLINE
	:	
CLAIRE D. FINNEY, C.H.H.A.	:	
Certificate No. 26NH12314800	:	
	:	
	:	
HOMEMAKER HOME HEALTH AIDE	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Claire D. Finney ("Respondent") is the holder of certificate number 26NH13214800 and has been certified at all times hereto.

2. Upon receipt of a flagging notice advising that Respondent was arrested on June 25, 2013 by the Riverton Police Department for violation of N.J.S.A. 2C:21-1A(3), Forged Writing, the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address

of record in Camden, New Jersey, via regular and certified mail, on or about July 2, 2013. A response was due within twenty (20) days. The regular mailing was not returned; certified mailing was returned to the Board as "unclaimed".

3. On April 15, 2014, the Riverton Municipal Court found Respondent guilty of 2C:33-2.1B, Loiter Obtain/Sell Controlled Dangerous Substance in Public and an amount assessed at \$408.00.

4. To date, Respondent has not provided a response to the Board's request for information.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2, -1.3, in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on July 24, 2014, provisionally suspending respondent's certificate to practice as a homemaker-home health aide, and imposing a \$200 civil penalty. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a

modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Ms. Finney responded to the Provisional Order, providing a letter indicating remorse for her actions, and advising that restitution was paid in the amount of \$408. However respondent did not provide a copy of the municipal complaint or other documentation relating to the arrest and disposition, nor did she provide a narrative statement setting forth the facts and circumstances that led to the arrest. The Board considered this matter, and determined that Ms. Finney's response to the Board inquiry was incomplete, merely advising the Board where it could obtain information relating to the arrest. The Board therefore determined that respondent had not complied, even belatedly, with her duty to cooperate with a Board investigation, and that the Provisional Order of Discipline should be made final.

ACCORDINGLY, IT IS on this 17th day of November 2014,

ORDERED that:

1. Respondent's certificate to practice as a homemaker-home health aide be and hereby is hereby suspended until such time as Respondent cooperates fully with the Board's investigation by providing the Board with the information requested in the Board's letter of inquiry. No reinstatement will be granted without demonstrating to the Board that Respondent is fit and competent to practice as a homemaker-home health aide.

2. Respondent shall remit payment of a monetary penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$200.00 for failing to respond to a Board inquiry, by certified check or money order payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after notice of the entry of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By:

Patricia Murphy PhD APN

Patricia Murphy, PhD, APN
President